

In re Patent Application of:

DE LAENDER ET AL.

Serial No. **10/660,067**

Confirmation No. **6186**

Filed: **September 11, 2003**

REMARKS

Applicants would like to thank the Examiner for the thorough examination of the present application.

The independent claims have been amended so that the subject matter directed to the shape of the support blocks is now in a dependent claim. Novelty of the invention is directed to the composition of each support block.

New dependent Claims 104-109 are being added. The subject matter in previously cancelled Claims 77-78 corresponds to new dependent Claims 104, 106 and 108. New dependent Claims 105, 107 and 109 are being added. The subject matter from these claims corresponds to previously cancelled Claim 79. The arguments supporting patentability of the claims are also provided below.

I. The Claimed Invention

The present invention, as recited in amended independent Claim 64, is directed to a pallet comprising a top support member for supporting cargo, a bottom support member, and a plurality of solid support blocks for separating the top and bottom support members so that a lifting member can be inserted therebetween.

Each solid support block comprises a composite material entirely devoid of any openings and comprises at least one cellulosic material and at least one thermoplastic material, and has upper and lower support member fastening surfaces for defining respective upper and lower support member fastener

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areas. The at least one thermoplastic material comprises polyethylene having a density between about 0.9 grams per cubic centimeter and about 0.98 grams per cubic centimeter. A plurality of fasteners fasten the top and bottom support members to the plurality of solid support blocks via the respective upper and lower support member fastener areas.

Independent Claim 82 is directed to a pallet, and has been amended similar to amended independent Claim 64 except that the at least one thermoplastic material comprises at least one of homopolymers and copolymers having densities between about 0.8 grams per cubic centimeter and about 0.99 grams per cubic centimeter.

Independent Claim 96 is directed to a pallet, and has been amended similar to amended independent Claim 64 except that the at least one thermoplastic material comprises at least one of polyesters, epoxies and vinyl esters.

II. The Claims Are Patentable

The Examiner rejected independent Claims 64, 82 and 96 over Faye in view of Steinlein et al. and in further view of Archuletta et al. The Faye patent is directed to a manufacturing process for wood waste-based composite products, such as a pallet support block. In particular, the wood waste is lignocellulosic waste that is combined and compacted with prior introduction of a binder consisting of a heated thermoplastic resin. The thermoplastic resin may consist of polypropylene or polyethylene.

Each solid support block in Faye comprises a composite

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material entirely devoid of any openings and comprises at least one cellulous material and at least one thermoplastic material, and has upper and lower support member fastening surfaces for defining respective upper and lower support member fastener areas. A plurality of fasteners fasten the top and bottom support members to the plurality of solid support blocks via the respective upper and lower support member fastener areas.

As correctly noted by the Examiner, Faye fails to disclose that the support blocks have rounded edges. The Examiner referenced FIG. 4 in Steinlein et al. as disclosing this feature of the claimed invention.

As also correctly noted by the Examiner, Faye fails to disclose that the at least one thermoplastic material comprises polyethylene having a density between about 0.9 grams per cubic centimeter and about 0.98 grams per cubic centimeter (as recited in independent Claim 64), and that the at least one thermoplastic material comprises at least one of homopolymers and copolymers having densities between about 0.8 grams per cubic centimeter and about 0.99 grams per cubic centimeter (as recited in independent Claim 82).

The Examiner has now taken the position that it would have been obvious to one skilled in the art to modify the pallet as disclosed in Faye so that the support blocks have rounded edges as disclosed in Steinlein et al., and that the thermoplastic material comprises further specifics as disclosed in Archuletta et al.

The Applicants submit that the Examiner has

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mischaracterized Archuletta et al. in view of the claimed invention. Even though Archuletta et al. is directed to a method of preparing wood and plastic to produce a composite material, it fails to disclose the specifics of the thermoplastic material as recited in the claimed invention. It appears that the Examiner is broadly interpreting Archuletta et al. as disclosing these features of the claimed invention.

As noted above, independent Claim 64 recites that the at least one thermoplastic material comprises polyethylene having a density between about 0.9 grams per cubic centimeter and about 0.98 grams per cubic centimeter. We are interpreting this to mean high density. In contrast, Archuletta et al. discloses in column 16, lines 26-29 the following:

"All of the formulations tested comprised low density polyethylene (LDPE) film mixed with juniper furnish material in an approximately 50 percent by weight LDPE film and an approximately 50 percent by weight juniper furnish." (Emphasis added).

In thus appears that the polyethylene within the thermoplastic material as disclosed by Archuletta et al. is low density. As also noted above, independent Claim 82 recites that the at least one thermoplastic material comprises at least one of homopolymers and copolymers having densities between about 0.8 grams per cubic centimeter and about 0.99 grams per cubic centimeter. Archuletta et al. fails to make any reference to polymers within the body of the patent. The only reference to polymers is on the front page of the patent under the section

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"other publications."

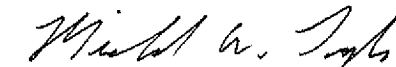
Accordingly, it is submitted that amended independent Claim 64 is patentable over Faye in view of Steinlein et al. and in further view of Archuletta et al. Amended independent Claims 82 and 96 are similar to amended independent Claim 64. Therefore, it is submitted that these claims are also patentable over Faye in view of Steinlein et al. and in further view of Archuletta et al.

In view of the patentability of amended independent Claims 64, 84 and 96, it is submitted that the dependent claims, which include yet further distinguishing features of the invention are also patentable. These dependent claims need no further discussion herein.

III. CONCLUSION

In view of the claim amendments and arguments provided herein, it is submitted that all the claims are patentable. Accordingly, a Notice of Allowance is requested in due course. Should any minor informalities need to be addressed, the Examiner is encouraged to contact the undersigned attorney at the telephone number listed below.

Respectfully submitted,



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